

1 Floyd Wallace  
1613 Leopard Ln.  
2 College Station, TX 77840  
(402) 347-0770  
3 floydwallacecivilrights@gmail.com

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

7 FLOYD WALLACE ) Case No.:  
8 Plaintiff, )  
9 v. ) **PLAINTIFF'S OBJECTION/MOTION**  
10 LAS VEGAS METROPOLITAN POLICE )  
11 DEPARTMENT, et al. ) **FOR DISTRICT JUDGE TO**  
12 Defendants. ) **RECONSIDER; PLAINTIFF'S**  
 ) **MOTION FOR CLARIFICATION;**

## INTRODUCTION

I, Plaintiff Floyd Wallace moves this honorable Court to clarify its order (“Order”) from September 15, 2023 (ECF No. 36), alternatively, I object to the Magistrate Judge’s order.

18 Pursuant to LR IB 3-228 and U.S. Code § 636(b)(1), I object to the Magistrate Judge's  
19 order and request a *de novo* review of the record.

20 This motion is made and based on the included Memorandum of Points and Authorities,  
21 the included Request for Judicial Notice, the pleadings, and papers on file herein, and any oral  
22 argument allowed by counsel at the time of the hearing.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

The Order includes the following sentence:

If a motion to stay discovery is filed by that date, discovery will be stayed on an interim basis pending resolution of that request.

I interpreted this to mean that the Magistrate Judge had incorrectly interpreted the law that a motion to stay takes effect while the motion is pending.

Defendants, in their refusal to participate in a Rule 26(f) conference, have stated that they have interpreted it to mean that the Magistrate Judge made an order staying discovery that would take effect if a party filed a motion to stay discovery.

A Motion to Stay does not stay anything until it is ruled on in the affirmative. *Ignite Spirits, Inc. v. Consulting By Ar, Ltd. Liab. Co.*, D.Nev. No. 2:21-cv-01590-JCM-EJY, 2023 U.S. Dist. LEXIS 33856, at \*5 (Feb. 28, 2023) (collection of cases).

## CONCLUSION

Accordingly, Plaintiff respectfully requests this Court to clarify that this order hasn't stayed discovery or remand the decision back to the magistrate judge with direction or for the district judge to reconsider the record *de novo*.

DATED: September 21, 2023

Respectfully submitted,

Floyd Wallace

---

Floyd Wallace  
1613 Leopard Ln.  
College Station, TX 77840  
[floydwallacecivilrights@gmail.com](mailto:floydwallacecivilrights@gmail.com)  
(402) 347-0770  
*Pro Se*